

Data From Wiretap Are Withheld by FBI

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By Richard E. Meyer

LAS VEGAS, Nev., Aug. 23 (AP) — Attorney General Nicholas deB. Katzenbach has asserted executive privilege in ordering the FBI to keep conversations among Las Vegas gamblers on whom it eavesdropped a secret, court records revealed today.

Katzenbach asserted the privilege in an affidavit answering a charge by Edward Levinson, former major owner of the Fremont Hotel-Casino, that the Federal Bureau of Investigation wiretapped his executive offices.

The charges are contained in a \$4.5 million law suit filed by Levinson against the FBI and the Southern Nevada Division of Central Telephone Co.

Agents Subpoenaed

Levinson's attorneys subpoenaed FBI agents, ordering them to submit to Clark County District Court all records, documents, memoranda, electronic recordings and physical evidence of the alleged wiretapping.

"I have instructed Mr. Dean Elson, special FBI agent in charge of the Las Vegas FBI office, who does have possession of the documents, not to produce certain ones of them, 112 in number," Katzenbach said.

The Attorney General said other FBI agents named in the suit did not have possession, custody or control of the documents sought by the subpoenas.

Katzenbach gave these grounds for keeping the documents secret:

"They contain raw, unverified investigative data whose release could unfairly harm third parties."

"They disclose investigative techniques of the Federal Bureau of Investigation, the revelation of which could adversely affect the national security."

The documents are irrelevant to any material issue in the lawsuit.

"Plaintiffs have not made a sufficient strong showing of necessity to force a show-down" on Katzenbach's executive privilege.

"Should the court deny the motion to modify or quash the subpoenas," Katzenbach said,

"the logs and summaries (of the conversations) should be impounded in the court and should be made available, if at all, only after an . . . inspection by the court."

Levinson has charged the FBI with leasing lines from the telephone company to monitor telephone calls in his hotel offices.

Postponement Denied

He asked for the \$4.5 million in damages on the ground of invasion of privacy. District Judge John Mowbray has denied one postponement in the case, which was requested by the Government until the Robert G. (Bobby) Baker case is determined.

Levinson was co-stockholder with Baker, former Senate Majority Secretary, in Serv-U Corp., a vending machine firm. Baker is under indictment in Washington.

The Nevada Gaming Commission is holding investigative hearings into FBI testimony that money from Las Vegas casinos is going to the underworld.